UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST LITIGATION	Lead Case No. C-05-00037-JW(RS)
	CLASS ACTION
This Document Relates To:	[PROPOSED] ORDER DENYING APPLE'S ADMINISTRATIVE MOTION TO SET BRIEFING SCHEDULE FOR DECERTIFICATION MOTION
CHAROENSAK v. APPLE COMPUTER, INC.,	
No. C-05-00037-JW	
TUCKER v. APPLE COMPUTER, INC.,	
No. C-06-04457-JW	

Dockets.Justia.com

Having considered Apple Inc.'s Administrative Motion to Set Briefing Schedule, Direct Purchaser Plaintiffs' opposition to Apple's motion, and all declarations filed therewith, as well as Apple Inc.'s Motion for Decertification of Rule 23(b)(3) Class, and accompanying declarations filed in support thereof, IT IS HEREBY ORDERED THAT Apple Inc.'s Administrative Motion to Set Briefing Schedule is DENIED. Direct Purchaser Plaintiffs shall file their opposition to Defendant's Motion for Decertification of Rule 23(b)(3) Class by October 12, 2009. Apple shall file its reply by October 19, 2009.

OR IN THE ALTERNATIVE, Apple shall file its reply by October 23, 2009, or a later date set by the Court.

OR IN THE ALTERNATIVE, Defendant's Motion for Decertification of Rule 23(b)(3) Class is HEREBY DENIED without prejudice to Apple's right to bring a decertification motion at an appropriate time in the litigation, after completion of discovery.

IT IS SO ORDERED.

DATED: ___________________

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THE HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE

Submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 23, 2009.

s/ Bonny E. Sweeney

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